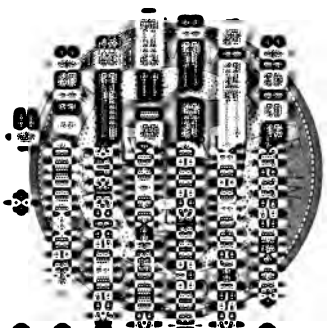

THE NOYS



CASE

OF

THE SEIZURE

OF THE

SOUTHERN ENVOYS.

REPRINTED, WITH ADDITIONS,

FROM THE "SATURDAY REVIEW."

"Turno tempus erit, magno cum optaverit emptum.
"Intactum Pallanta, et cum spolia ista diemque.
"Oderit."

LONDON:
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1861.

THE SEIZURE

OF

THE SOUTHERN ENVOYS.

A CRISIS has arrived—a little sooner than was expected—which raises questions of public policy and public law of the gravest character. The facts which have led to this result are now known to every newspaper reader in both hemispheres, and may be stated in a few words. A screw-steamer of war, the *San Jacinto*, belonging to the North American States, waylaid the English Royal West India Mail steamer in the Bahama Channel (whether in Spanish waters or not is uncertain), on the 8th of November, and brought her to by firing a round shot across her bows. A lieutenant from the *San Jacinto* boarded her, and afterwards, aided by a large force of sailors with drawn cutlasses, forcibly took possession of Mr. Mason aud Mr. Slidell, Envoys supposed to be accredited by the Southern States to Great Britain and to France, and of their two secretaries, with certain papers and baggage. The officer in charge of the mail-bags,

a Commander in the Royal Navy, protested strongly against the insult offered to the British flag, as did the captain of the vessel; and both claimed the Envoys as under the protection of England. The American lieutenant disregarded the protest, seized the men, and suffered the Royal Mail Steamer to pursue her voyage. Stripped of criminations and recriminations as to the coarseness and brutality of the manner in which the act is said to have been done on the one side, and as to the violence of the remonstrances on the other, these are the material facts of the case.

As soon as the intelligence reached England, the Government met in Cabinet Council. Nothing could be more dignified, calm, and honourable than the attitude of England at this moment. She waited, with firm resolve indeed, but without petulance, rodomontade, or fury, for the announcement of the advice which the Ministers would tender to the Queen. Nothing could be wiser than the course which the Ministers pursued. They gravely considered whether the laws which govern the intercourse of independent States had or had not been broken. Setting aside all questions of mere feeling, they called in the counsel of the legal officers whom the Constitution provides for their aid; and after adequate deliberation they deter-

mined, we believe quite unanimously, that international law had been doubly violated by the act of the *San Jacinto*—that by this act both the honour of their country had been assailed, and an injury done to those whom she was under an obligation to protect.

Let us pause here for an instant; for the lesson is worthy of our study. Nobody can be much in society without being acquainted with a class of persons who decry the study of international jurisprudence. "What "can it matter now what Grotius has said? who cares "about Bynkershoek? Never mind Vattel. Times "are changed since the days of Lord Mansfield and "Lord Stowell. Story and Wheaton are dead, you "know; and then the verses in the *Anti-Jacobin*." Another class of persons point to the instances in which the law has been broken, and by the precedents of crime defend the invasion of right. But the flippancy of the former and the shallowness of the latter declaimers leave untouched the fact that there is, after all, a law to which States, in time of hostilities, appeal for their justification—that there are writers whose exposition of that law has been stamped as impartial and just by the consent of the great family of States—that they are only slighted by those upon whose crimes they have, by anticipation, passed sentence—that municipal, as well as international law is often evaded

and trampled down, but exists nevertheless—that States cannot, without danger as well as obloquy, depart from doctrines which they have professed as the guide of their relations with the commonwealth of Christendom. To see a mighty State like England doing homage to this principle is a noble spectacle. She might, in hot haste, have smitten her aggressor in his most vulnerable part. She might have raised his blockade, and been hailed as a benefactor by her own citizens and every maritime State. She might have revelled in the applause of the many, at home and abroad, who confound rashness with vigour and violence with energy. But she put aside the temptation. She inquired what justice and right, affirmed by usage and precedent, warranted; and, finding their voice in her favour, she demanded the reparation which is her due, and with the triple armour of a just cause she calmly abides the issue. The question which we are about to examine is, whether she has rightly interpreted the law which she professes to obey. In the prosecution of this inquiry we will endeavour to leave no argument or precedent adverse to her claim unconsidered.

First, it must be admitted that America was clearly entitled to visit and search a neutral merchant ship on the high seas. She has never parted with a

belligerent right firmly established by the case of the *Maria*, and which she foresaw might one day be of great value to her. The *Trent*, however, was not a vessel of that class. She was on the contrary of a class which one of the oracles of American jurisprudence has pronounced, not unreasonably, to be exempt from liability to condemnation for carrying the despatches of the enemy. Mr. Lawrence, in his last edition of Wheaton (Ed. 1855, p. 567), observing on the dictum of Lord Stowell with respect to the penalties incurred by a neutral vessel carrying despatches, says:—

> It is conceived that the carrying of despatches can only invest a neutral vessel with a hostile character in the case of its being employed for that purpose by the belligerent, and that it cannot affect with criminality either a regular postal packet or a merchant ship which takes a despatch in its ordinary course of conveying letters, and with the contents of which the master must necessarily be ignorant. This view, it is supposed, is not inconsistent with the text, which refers to a fraudulent carrying of the "despatches of the enemy."
>
> Since the former European wars, some Governments have established regular postal packets, whose mails, by international conventions, are distributed throughout the civilized world; while in other countries every merchant vessel is obliged to receive, till the moment of its setting sail, not only the despatches of the Government, but all letters sent to it from the post-offices.

The author cites *Hautefeuille, Droits des Nations Neutres*, t. 2, p. 463, who is of the same opinion, and the Postal Treaty of December 1848, between the

United States and Great Britain. This treaty provides that when war has broken out between the two countries, their respective mail packets shall be permitted to continue without molestation their service, until six weeks' notice be given by the Government of either country; after the lapse of which period, the packets are to return under special protection to their ports. Certainly, the inference from this partial immunity of the mail packets between the two countries when *belligerents*, is favourable, at least, to the suggestion of the entire immunity of this class of vessels when either country is *neutral*.

Nor is it immaterial to observe that on board this Royal mail steamer there was a Commander of the Royal Navy, not, indeed, in command of the ship, but representing the Crown as far as the mail was concerned, and imparting a character to the vessel which at least took it out of the character of an ordinary *private* vessel. We are satisfied that not only America, as we have shown, but France, would have regarded it as a *public* vessel. It is clear that neither the Commander nor the letters in his custody were amenable to the Prize Court. Let us concede, however, this point in favour of America, against her own authority. The act of the *San Jacinto* in visiting and searching the *Trent* is by this concession, reduced from the violation of a *strict right* to a violation of *comity*.

We will pass to the next point. If the *San Jacinto* had a right with respect to the *Trent*, she had also a duty. The duty was to take the English vessel into an American port and there to try her fairly, with full right of appeal, in the Court of international justice, required by the law, usage, and treaties of Christendom, called the Prize Court. The attempt to claim the privileges and shirk the obligations of a belligerent is simply a monstrous outrage which affects every neutral State. It is worse than idle to suggest that the decision of the Prize Court must have been hostile to the *Trent* because she carried despatches and envoys from the belligerents. In the first place, it proves too much, for it renders the proceedings of all Prize Courts nugatory, and makes the rough sailor at once captor and judge. The individual might as well execute his own justice on the person he alleges to have injured him. It is an argument subversive of all amicable relations between States. It can have but one effect—to render neutrality impossible. It has often happened that Prize Courts have condemned captors belonging to their own country in the costs and damages of their capture. No longer ago than during the last war, England paid large sums to feeble foreign States in consequence of decisions of her Supreme Court of Prize adverse to English captors. There is no

reason to doubt that the judges who sit in the chair of Story would do justice as well as the successor of Stowell*—though, alas! it might be practically of little consequence, if the President should subject the Judge of the Prize Court, as well as the Judge of the municipal tribunal, to the custody of a military sentinel.

In the second place, the anticipation of the judgment of the Prize Court is wholly erroneous. The *Trent* was *not*, so far as we know, carrying contraband despatches; and she *was* carrying persons whose character exempted them from the operation of hostilities. The despatches which are contraband are communications from a belligerent to another part of its own kingdom, or to a colony, or to an ally with respect to naval or military operations, or political affairs. These are the kind of despatches which Lord Stowell held (with the approval of American jurists) to be contraband. (*The Caroline—The Atalanta*, 2 *Robinson, Ad. Rep.* 440—461.) But despatches from a belligerent (Lord Stowell says) to

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* The adoption by America of the decisions of the English Prize Court is a fact of great value, "there is scarcely a decision "in the English Prize Courts at Westminster which has not "received the express approbation and sanction of our national "Courts," says the great *American* Chancellor *Kent*, vol. i. p. 68.

his consul resident in a neutral State may lawfully be carried by a neutral vessel, because the functions of the consul relate to the joint commerce in which the neutral as well as the belligerent is engaged. (*The Madison, Edwards, Ad. Rep.* 224.) Much less, then, are the despatches of a belligerent to a neutral relating merely to questions of amicable intercourse between the two States, of the nature of contraband. (*The Caroline*, 6 *Rob. Ad. Rep.* 468.) It is manifest that the interests of the neutral may imperatively demand such an intercourse. Indeed, but little reflection will show that the lawfulness of such intercourse is a necessary consequence from even the limited recognition of a *de facto* State as a belligerent. A State so recognised must have organs of communication with the neutral. How is the neutral, for instance, to obtain redress for injuries done to her own subjects? She must make her complaints through some regular channel—in other words, she must recognise, for this purpose at least, a Government and a diplomatic officer. But the neutral has rights beyond this. She is entitled to communicate with both the belligerents for the purpose of bringing about peace; for a state of war is a state of unmerited suffering to the neutral, which she is justified in seeking by all lawful means to bring to an end.

"It would be almost tantamount (Lord Stowell says) to preventing the residence of an ambassador in a neutral State, if he were debarred from the means of communicating with his own." Most clearly, therefore, the *despatches* were not of the nature of contraband; and on this ground the *Trent* would have succeeded in the Prize Court.

The next question is as to the *persons* of the envoys. It would be strange if the living man were to be contraband when his despatches were innocent. But it is reported to be said in America, that though the envoy is not exactly contraband (which would be ridiculous), Phillimore may be cited as an authority to show, that he may be seized on his voyage. In Phillimore's book there are two passages on the subject—one in which he is dealing with the question of a civil war, and he says:—"When rebellion has grown, from the numbers who partake in it, the severity of the struggle, and other causes, into the terrible magnitude of a civil war, the emissaries of both parties have been considered as entitled to the privilege of ambassadors so far as their personal safety is concerned 'in hoc eventu [Grotius says] *gens una quasi duæ gentes* habetur"—a very remarkable expression. Phillimore is here speaking of emissaries between the parties to the civil war. The argument is of course still stronger as to emis-

saries to a *third* State; and in a note he cites the opinion of Bynkershoek, which is to the effect that if both parties to the civil war be *de facto* independent, they enjoy the full rights of legation; but if one party be still struggling, and not yet independent, he enjoys these rights with regard to *third* States only:—"ut legatio pleno jure utrimque consistat status utrimque liber desideratur, qui si ab unâ parte duntaxat liber sit ab eâ missi tantum jure legatorum utuntur." Then follow these words, decisive of the present question:—"ab aliâ missi ad *externum* principem habentur pro *nunciis*" (*Phillimore*, v. 2, pp. 143-4). This is exactly the position of law now relied upon by England. In the other passage—to which alone it appears the Americans have referred—(vol. iii. p. 368), Phillimore is dealing with the subject of contraband, and he uses the very words of Lord Stowell's judgment in the *Caroline*, which legalizes the carrying of diplomatic despatches by the neutral vessel. Lord Stowell says:—

> It is, indeed, competent for a belligerent to stop the ambassador of his enemy on his passage; but when he has arrived, and has taken upon himself the functions of his office, and has been admitted into his representative character, he is entitled to peculiar privileges, as set apart for the protection of the relations of amity and peace, in maintaining which all nations are, in some degree, interested. With respect to this question, the convenience of the neutral State is also to be considered; for its interests may

require that the intercourse of correspondence with the enemy's country should not be altogether interdicted; it would be almost tantamount to preventing the residence of an ambassador in a neutral State, if he were debarred from the means of communicating with his own.

Lord Stowell does not here lay down the doctrine that a belligerent may take an envoy out of a neutral ship. That question was not before him. He founds chiefly upon Vattel (whom the earlier part of his judgment especially cites) the general *dictum* that the belligerent may seize the ambassador of another belligerent at a certain period, namely, before he has been accepted by the State to which he is sent; after that event, the belligerent may *not* seize him *anywhere*. Before that event, he may seize him—but *where?* Why, the reference to Vattel clearly shows —when he is passing through his *own* territory. Vattel justifies the seizure by England of a French ambassador in passing, on his way to Berlin, through the Electorate of Hanover, *because Hanover at that time belonged to England.* "Non seulement donc on peut justement refuser le passage aux ministres qu'un ennemi envoie à d'autres souverains: on les arrête même s'ils entreprennent de passer secrètement et sans permission." Where? "*Dans les lieux dont on est maître.*"—(*Droit des Gens*, l. 4, c. 7, s. 85.) Not on board a neutral royal mail ship on the high

seas. Let Lord Stowell's judgment be read by the light of this passage in Vattel, to whom he had referred. These are his words:

The former cases were cases of neutral ships, carrying the enemy's despatches from his colonies to the mother country. In all such cases you have a right to conclude that the effect of those despatches is hostile to yourself, because they must relate to the security of the enemy's possessions, and to the maintenance of a communication between them; you have a right to destroy these possessions and that communication; and it is a legal act of hostility to do so. But the neutral country has a right to preserve its relations with the enemy; and you are not at liberty to conclude that any communication between them can partake, in any degree, of the nature of *hostility* against you.

The enemy may have his hostile projects to be attempted with the neutral State; but your reliance is on the integrity of that neutral State, that it will not favour nor participate in such designs, but, as far as its own councils and actions are concerned, will oppose them. And if there should be private reason to suppose that this confidence in the good faith of the neutral State has a doubtful foundation, that is matter for the caution of the Government, to be counteracted by just measures of preventive policy; but is no ground on which this Court can pronounce that the neutral carrier has violated his duty by bearing despatches which, as far as he can know, may be presumed to be of an innocent nature, and in the maintenance of a pacific connexion.—(*Robinson, Reports. Vol.* vi. p. 466. *The Caroline.*)

It does not seem to be denied in America that this is both the general and the correct law respecting ambassadors; but the conduct of England eighty-two years ago is cited against her. It is stated in a letter of Mr. Sumner (not we believe the Chairman of the

Committee of Foreign Relations in Congress) that England, in 1780, took Mr. Laurens, the Envoy, from the *rebel* colonies of North America to Holland, out of a *Dutch* ship, and committed him to the Tower as a traitor. For the moment we pass by the change effected in International Law since those days with reference to colonies which have established their independence. We presume that America does not think Mr. Laurens was a rebel, though the denial places her at present in an awkward dilemma—that she does not approve his being sent to the Tower—that she does not, in fact, adopt the only precedent which she quotes. Suppose, however, these difficulties are surmounted, our next remark is, that the facts of the seizure are not only most superficially but most inaccurately stated. We will take from Adolphus a very correct epitome of them :—

Meanwhile, [says this historian] the state of sullen dissatisfaction which occasioned the abolition of the ancient connexion between Great Britain and Holland, resolved itself into active hostility; the mystery which had covered the views and conduct of the Dutch was removed; and the Court of Great Britain was impelled to a firm and decisive mode of conduct, as well in resentment of past treachery, as with a view to counteract the effects of the neutral league. The *Vestal* frigate, commanded by Captain Keppel, took, near the banks of Newfoundland, a *Congress packet*. The papers were thrown overboard; but, by the intrepidity of an English sailor, recovered with little damage.

They fully proved the perfidy of the Dutch, who, before the

existence of any dispute with Great Britain, had entered into a formal treaty of amity and commerce with the revolted colonies, fully recognising their independence, and containing many stipulations highly injurious to England and beneficial to her enemies, both in Europe and America. Disagreements on some of the arrangements had occasioned delays in its completion; but Henry Laurens, late President of the Congress, who was one of the passengers in the captured vessel, was authorized to negociate definitively, and entertained no doubt of success. On his arrival in London, Mr. Laurens was examined before the Privy Council, and, on his refusal to answer interrogatories, committed to the Tower.—(*Adolphus, History of England*, vol. iii. p. 221.)

Adolphus is perfectly accurate in saying that the *Mercury*, commanded by Captain *Pickles*, was, as the names indicate, an American belligerent vessel. The despatches from Captain Keppel to the Admiralty afford proof of the fact. The vessel was condemned in the Vice-Admiralty Court (commissioned as a Prize Court), in Newfoundland. Laurens was brought to England. Now observe the difference (setting aside the question of the Royal Mail Packet) between this case and that of the Southern Envoys. First, despatches were thrown overboard — an act which alone almost enures to the condemnation of a neutral ship. Secondly, the ship was not *Dutch*, and neutral, but *American*, and belligerent. Thirdly, Holland was only professedly neutral, but really belligerent against England, as those very despatches demonstrated. The declaration of war by England against her fol-

lowed close, namely, on the 20th December, 1780. Fourthly, the ship as well as the man was captured. So clear, indeed, was the justice of the seizure, that neither Holland herself nor any other State uttered, then or afterwards, the semblance of a remonstrance against the act. This supposed precedent turns out, then, to be no precedent at all. Were it otherwise, international law is not made out of a single bad precedent, but out of sound principles applied to each case as it arises, and illustrated by consistent practice.

Next we come to what may be called the *impressment* argument. It is urged by Americans that England, during the last war, continually took by force English sailors and soldiers out of American ships. This is a strange argument in the mouth, so to speak, of America. She always complained of this conduct as an unjust extension of English municipal law beyond its proper limits—as an invasion upon the most sacred rights of independent nations. Does America mean now to practise what she then condemned? to stultify her most solemn repeated public acts? How can a State which deliberately does what she has up to this moment consistently reprobated, appeal hereafter to any principles of International justice. Retaliatory measures of this kind at the time would perhaps not strengthen the moral influence of a State; but re-

taliatory injustice in a subsequent war for the offences of a former war, is a solecism in public morality, policy, and justice. We are inclined to think that England was wrong and America right in this matter. We subscribe to the reasoning of her President in 1812. We desire to impress the language of Madison most deeply upon all our readers :—

> British cruisers [says the President] have been in the continued practice of violating the American flag on the great highway of nations, and of seizing and carrying off persons sailing under it, *not in the exercise of a belligerent right*, founded on the law of nations against an enemy, but of a *municipal* prerogative over British subjects. British jurisdiction is thus extended to neutral vessels in a situation where no laws can operate but the law of nations and the law of the country to which the vessels belong. . . Could the seizure of British subjects in such cases be regarded as within the exercise of a belligerent right, the *acknowledged laws of war, which forbid an article of captured property to be adjudged without a regular investigation before a competent tribunal, would imperiously demand the fairest trial, where the sacred right of persons are at issue. In place of such trial, these rights are subjected to the will of every petty commander.*—(*Annual Reg. for* 1812, *p.* 435.)

A *person* surely does not lose, but increase, his "sacred rights" by becoming an *ambassador*. But, after all, the cases of the forcible impressment of seamen and the seizure of the envoys are wholly distinct. England claimed and had a right to search the neutral vessels for enemy's goods; and finding accidentally in the course of her search deserters from her navy on

board, she claimed—unjustly if you will—the municipal right of bringing them back to the service from which they had escaped. Such a right was never claimed against passengers or civilians. The impressment of General Washington's nephews, mentioned in Jefferson's *Memoir* (vol. iv. p. 133), if it ever happened, was a simple outrage, unless it were founded upon a complete error as to the persons. Be, however, the conduct of England right or wrong as to the impressment of seamen, it furnishes not even a bad precedent, not even *exemplum sceleris*, for the seizure of envoys. It remains to say a few words upon the other cases put forth in support of the *San Jacinto*.

The case of the *Friendship* (6 Robinson's Rep. 430), has been also cited against the demand of England, but how foolishly, appears from the following statement of facts.

The *Friendship* was a neutral vessel, engaged as a transport by the French Government, for the conveyance of 90 mariners and others from a port in the United States to Bordeaux. That vessel was condemned on the ground that she was a transport in the service of the French Government. It was contended that the persons on board were only a few invalids, returning to their country, and Lord Stowell,

in giving judgment, observed, (p. 428) "It would be a "very different case if a vessel appeared to be carrying "only a few individual invalided soldiers or discharged "sailors, taken on board by chance, and at their own "charge. Looking at the description given of the "men on board, I am satisfied that they are still as "effective members of the French Marine as any "can be. . . . . They are persons in a military "capacity who could not have made their escape in "a vessel of their own country."

Lord Stowell then proceeds to say—"It is asked, "will you lay down a principle that may be carried "to the length of preventing a military officer, in "the service of the enemy, from finding his way home "in a neutral vessel, from America to Europe? If "he was going merely as an ordinary passenger, as "other passengers do, and at his own expense, the "question would present itself in a very different "form. Neither the Court, nor any other British "tribunal, has ever laid down the principle to that "extent. This is a case differently composed. It is "the case of a vessel letting herself out in a distinct "manner, under a contract with the enemy's Govern- "ment, to convey a number of persons, described as "being in the service of the enemy, with their military "character travelling with them, and to restore them "to their own country in that character."

We consider the law here laid down to be quite sound, but unless we have been much deceived, not long ago, an American vessel, carrying a General Corti, soldiers, and ammunitions of war, going to the aid of the Neapolitan *rebels*, was captured by a cruiser of the then legitimate Sovereign of Naples, and nevertheless claimed by the Americans, upon the averment that she had committed no breach of international law, and was restored by that tottering Government. Fifty such precedents, we admit, would not be law, but the recollection of this very recent event may be useful to the Northern States at this moment.

The case of the *Orozembo* (6 Rob. Ad. Rep. 430) in 1807, was that of a neutral ship employed in the service of the enemy in transporting military persons to its colonies. Nobody questions the right of America to bring for adjudication into the Prize Court a private neutral vessel so misconducting herself. Then as to the case of Lucien Buonaparte, it is misstated in all the material points.

Lucien Bonaparte, compelled by the tyranny of his brother to fly from his retreat in Italy, applied to his brother-in-law, the King of Naples, for a vessel to transport him to America. Murat gave him the desired aid. The *Hercules*, an American vessel

which had lately been sequestrated by the orders of Napoleon at Naples, was fitted up at great cost by Murat for the conveyance of Lucien, his family, and suite to the United States, the American captain was put on board, and she was escorted by a Neapolitan ship-of-war to Civita Vecchia. Lucien applied to the English Minister at Cagliari for a passport guaranteeing the vessel from the seizure of British cruizers and was refused. The *Hercules* weighed anchor with Lucien's very numerous suite on the 5th of August, 1810. A storm drove the vessel into Cagliari. The King of Sardinia refused permission to Lucien to land, and desired the *Hercules* to leave the bay. The English Minister was again asked for a guarantee against British cruizers, and he again refused the request. The *Hercules* had scarcely left the Sardinian waters before she was captured by two British frigates; a prize crew was put on board the *Hercules*. Lucien, at his own request, and for his own personal convenience, was transferred to the *Pomone*, one of the frigates. Both the *Hercules* and the frigate sailed for Malta, where there was a Prize Court. Lucien was afterwards conveyed to England, where he remained three years. (*Memoirs of Lucien Buonaparte*, vol. 2, pp. 29—43.)

It is therefore perfectly clear that the *Hercules* was

a belligerent ship lawfully seized and brought into the Prize Court, and that Lucien neither claimed nor possessed any personal or professional immunity from capture.

Again, as to the *Caroline*, in 1837, never was a more justifiable act than the burning of that vessel. She was supplied by American citizens on the American side of the Niagara, with implements of war for the purpose of attacking an English colony; remonstrances having proved unavailing, the vessel was seized as a matter of self-defence, and the act fully justified at the time to the American Government. (3 Phillimore, p. 50.)

Lastly, as to the seizure of the Irish rebel, McManus, in 1848, he was taken by the police, in an English port, within English *territorial jurisdiction*, out of an American merchant-ship. No jurist ever did or will deny the lawfulness of the act.

What, then, is the conclusion of reason and justice upon the whole case? Bad precedents, if they existed, would not make the law; but they are shown not to exist. On the other hand, all the reasoning from acknowledged principles condemns the act of the *San Jacinto*. Nor must it be forgotten that this question must be looked at by England, not merely from the side, so to speak, of the injury done to herself, but from

the side of her duty towards those who were under her protection. We have not been in the habit of deserting those who have trusted us. God forbid that we should begin to do so now. Happily the firm attitude of our Government leaves no ground for such a craven fear. The envoys torn by violence from the protection of our flag must be restored, and with due apology for the outrage. We do not seek to humiliate the Northern States of America. To make make reparation is humiliation only to a petty, mean-spirited State. America, like England, is too great to be afraid of admitting that she has been in the wrong. The truth is that she has got into this scrape from a silly affectation of not seeing that which everybody else sees. When dissensions in a State assume the proportions of civil war, when the *status* of belligerents is constituted, and the rights of war and the obligations of neutrals are involved, it is idle to talk to other States of "rebels" and "rebellion," and demand the application of municipal law. It is the error into which England fell nearly a century ago when the United States became independent. Then it was that the great statesman and orator, who incurred the disfavour of courts and mobs for his steady support of the claims of the revolted American colonies, said to England, on behalf of

America, that which America would now do well to say to herself: "Strange incongruities will ever perplex those who confound the unhappiness of civil dissensions with the crime of treason."—(*Burke's letter to the Sheriffs of Bristol on the affairs of America,* 1777.)

THE END.

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